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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/663,378
Issued Date	September 17, 2003
First Named Inventor	Steven A. Rogers
Group Art Unit	2151
Examiner Name	TBD

Total Number of Pages in This Submission	15	Attorney Docket Number	006389.00002
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ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) 1 reference & 1449 along with Search Report (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bradley C. Wright, Reg. No. 38,061
Signature	
Date	7/14/05

CERTIFICATE OF MAILING

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Atty. Docket No.:	006389.00002
Steven A. Rogers	Confirmation No.	2690
Serial No.: 10/663,378	Group Art Unit:	2151
Filed: September 17, 2003	Examiner:	TBA
For:	EMPIRICAL SCHEDULING OF NETWORK PACKETS	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §1.97 and §1.98, enclosed is a PTO Form-1449 listing art for consideration by the Examiner. We hereby certify under 37 CFR §1.97(e)(1) the items of information contained in the Information Disclosure Statement filed concurrently herewith were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

We further certify under 37 C.F.R. § 1.704 (d) that each item of information contained in the information disclosure statement were cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Information Disclosure Statement
Serial No. 10/663,378



These documents were cited by the European Patent Office Searching Authority for corresponding PCT Application No.: PCT/US04/29693, which was received on September 13, 2003. A copy of the search report is also enclosed with a non-patent literature.

Consideration of this information is respectfully requested.

It is respectfully requested that the Examiner fully consider each item of information, initial the enclosed Form PTO/SB/08a in the appropriate places to indicate that the information has been considered, and return a copy of the initialed form to the undersigned in accordance with MPEP Section 609.

The submission of the listed documents is not intended as an admission that any such documents constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed documents as a competent reference against the claims of the present application.

Respectfully submitted,

Date:

7/14/05

By:



Bradley C. Wright
Registration No. 38,061

Banner & Witcoff, LTD
1001 G Street, N.W.
Washington, D.C. 20001-4597
(202) 824-3000

Substitute for form 1449A/PTO

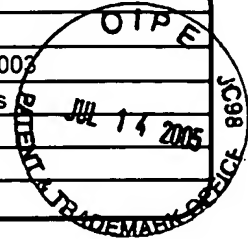
INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number 10/663,378
Filing Date September 17, 2003
First Named Inventor Steven A. Rogers
Group Art Unit 2151
Examiner Name Unknown
Attorney Docket Number 006389.00002



U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US2003/0107991 A1	6/2003	Tezuka et al.	
	2	US2004/0024550	2/2004	Doerken et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

Examiner
Signature

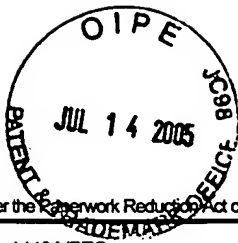
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¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 2 of 2

Complete if Known

Application Number	10/663,378
Filing Date	September 17, 2003
First Named Inventor	Steven A. Rogers
Group Art Unit	2151
Examiner Name	Unknown
Attorney Docket Number	006389.00002

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	3	CLARK, M.; JEFFAY, K.; Application-level Measurements of Performance on the vBNS Multimedia Computing and Systems, 1999. IEEE International Conference on June 1999, Vol 2, 7-11, pp 362-366 vol.2	

Examiner
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Considered

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